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II. A CONGRESSIONAL COMMITTEE FOR THE CENTRAL INTELLIGENCE AGENCY

1. There are four present proposals being considered in connection with a "Watch Dog" Congressional Committee for the Central Intelligence Agency.
2. The first proposal involves no change from current procedures. The Central Intelligence Agency requests for appropriations are handled by special subcommittees of the Committees on Appropriations and this procedure will be continued even if a Joint Committee were established. Central Intelligence Agency requests for substantive legislation are normally presented to the Armed Services Committees of both Houses, except in those instances where the legislation specifically falls within the jurisdiction of other Committees. Thus, the 83rd Congress, the legislation authorizing the position of Deputy Director of Central Intelligence, as well as the nominations of the Director and Deputy Director, were handled by the Armed Services Committee. However, certain exemptions for the Agency in connection with foreign atomic energy information were quite properly included in the Atomic Energy Act of 1954 before the Joint Committee on Atomic Energy and certain personnel legislation for CIA was included in legislation before the Committees on Post Office and Civil Service. Even if a Joint Committee on Central Intelligence had been in existence, the Atomic Energy and personnel items would have been properly before these other committees. It should also be noted that the status quo appears to be preferred by the leadership of both Armed Services Committees and the House Appropriations Committee, all of whom have expressed strong opposition to a Joint Committee on Central Intelligence.
3. The second proposal would be to have the Armed Services Committees of both Houses establish subcommittees on Central Intelligence composed of three members in each House, if the committee meets jointly, and five members if they meet separately. (In those instances where the Senate Armed Services Committee has held subcommittee hearings on CIA in the past, the subcommittees have consisted of five members. A three man subcommittee of the thirty-six-man House Armed Services Committee may not be deemed to give a sufficient spread). The proposal that the Armed Services Committee set up a special subcommittee on Central Intelligence has merit as all functional legislation for the Agency comes before these committees. Therefore, it would appear that these committees could best exercise a "Watch Dog" position with regard to CIA. With appropriate aggressive leadership, such subcommittees could request the referral of any

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complaints regarding CIA to themselves, and could rise to the defense of the Agency when the latter is publicly attacked by stating that they have already, or will immediately, look into the subject matter of the attack.

4. The other two proposals involve the establishment of special committees on Central Intelligence. One suggestion is that a special joint committee be selected by the Vice President and the Speaker of the House, and the second is that its members be drawn from among the members of the Armed Services and Appropriations Committees of the two Houses.

5. In order to establish a joint Congressional committee, it is necessary to have some form of legislative enactment. Thus, the Joint Congressional Committee on Atomic Energy is established by the Atomic Energy Acts of 1946 and 1954. However, the majority of such committees are established in the individual Houses by Senate or House resolutions, or by concurrent resolutions where the committees are joint. These resolutions are expressions of the will of the Congress and do not require Presidential approval. If a resolution is passed to establish a joint committee on Central Intelligence, the standard language would authorize the appointment of the Senate members by the President of the Senate and the House members by the Speaker of the House. As a normal procedure, the majority and minority leaders are consulted in these appointments, and their recommendations carry considerable weight. The establishment of such a committee would normally carry with it the standard authority requiring the production of all testimony, books and records, the holding of hearings and the authority of subpoena. The Committee would also have the authority to appoint a staff.

6. If the resolution provides specifically that the members of such a joint committee should be drawn from the members of the Armed Services and Appropriations Committees, it should be noted that there is a general reluctance, at least in the House, for Appropriations' Committee members to serve on joint committees, where their substantive action might be considered binding on their subsequent appropriations action. The appropriations' authority is so jealously guarded that the subcommittees normally require complete review of Agency activities regardless of the acts of substantive committees authorizing such activities. The fact that three or five senior members of the Appropriations Committee were to sit as members of a Joint Committee on Central Intelligence would in no way obviate the need for full hearings before the CIA Appropriations Subcommittee. In addition, a resolution limiting such a special subcommittee to selected members of the Armed Services and Appropriations Subcommittees might well meet objection from the Committees on Foreign Affairs and the Judiciary, and possibly from a new Joint Committee on Internal Security if one were established.

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7. The fact that a substantial number of Senators have proposed a Joint Congressional Committee on Central Intelligence reflects Congressional feeling for greater Congressional knowledge of the activities of CIA. This would tend to indicate that the first alternative--namely the retention of the status quo in CIA--Congressional relations is no longer advisable. On the other hand, it should be reiterated that there are leaders in the Congress who feel that there should be no change in the current relationship.

8. In connection with the alternative to establish a Joint Committee on Central Intelligence, the following points should be noted:

a. If such a Committee were established, its jurisdiction should be limited to organizational and administrative matters and not include review of CIA operations as such. If a Joint Committee were to attempt to substitute its judgement for that of the Executive Branch, or exercise a veto power over specific operations, a serious Constitutional problem involving the doctrine of separation of powers would certainly arise.

b. The greatest care would have to be taken in selecting the members of this Joint Committee, and for security reasons it should be kept to the smallest possible size, preferably three members from each House.

c. A Joint Committee would require a special staff which would eventually come into possession of more information regarding the secret operations of the American intelligence service than is possessed by any but a few of the most senior officials of the Agency. This presents a serious security problem.

d. The workload of a Joint Committee on Central Intelligence would be comparatively small. The Central Intelligence Agency averages about one piece of legislation a year as opposed to the Atomic Energy Commission which has about twenty bills a Session. The many public facets of the work of the Atomic Energy Commission includes the operation of towns, adjudication of patent claims, peacetime applications of atomic energy, etc. This presents a heavy workload for the Joint Committee on Atomic Energy which would not be present in connection with CIA. A light workload would tend to justify a separate Joint Committee and staff, but would tend to support the proposition that existing Congressional Committees--namely Armed Services--could include CIA within their own jurisdiction.

9. In view of the above, it would appear to be preferable if the Armed Services Committees would exercise jurisdiction (either jointly or separately) over CIA. This jurisdiction is amply supported by the standing rules of the Senate and the House. These Committees could be informed on the general activities of the Agency, and its administration, and could continue to handle the Agency's substantive legislation. They could be focal points for complaints forwarded to the Congress and serve as the "Watch Dog" of the Congress in connection with the Agency. The forthright acceptance by the Armed Services Committee of this responsibility would go a long way toward answering the implied criticisms of those who feel that the Congress is not sufficiently informed regarding the Agency, and would not raise the serious problems which would be inherent in a separate Joint Committee on Central Intelligence.